



STATE OF MARYLAND

DHMH

Maryland Department of Health and Mental Hygiene

Board Of Physical Therapy Examiners

BOARD MEETING MINUTES

March 16, 2010

The March 16, 2010 meeting was called to order at 1:05 p.m.
by the Chairperson, Margery Rodgers, PT.

Call to Order

Board members present:

John Baker, PT
Ved K. Gupta, Consumer Member
Shirley Leeper, PTA, Vice Chairperson
Lori Mizell, PT
Donald Novak, PT
Stephen Ryan, PT

Also present:

Ann E. Tyminski, Executive Director
Joy E. Aaron, Deputy Director
Patricia Miller, Licensing Coordinator
Sandra Kurland, Board Secretary
Deborah Jackson, Secretary
Ernest Bures, Investigator/Compliance Officer
Linda Bethman, AAG, Board Counsel
Francesca Gibbs, Staff Attorney
Paula Hollinger
Sharon Bloom
James Dyett, PTA

Absent:

Lois Rosedom-Boyd, Consumer Member
John Bull, Investigator

Two investigative cases and a documentation inquiry from David Burnham
were added to the agenda.

Agenda

The minutes of the Open Session for February 16, 2010 were accepted as
amended.

Minutes

The Maryland Board of Acupuncture sent a letter to the Attorney General, asking for an opinion as to whether the insertion of acupuncture needles (dry needling) falls within the definition of the practice of physical therapy in Maryland. The Board will submit information on dry needling and other invasive procedures. APTA of Maryland is also gathering information.

Dry Needling

A copy of the January 13, 2009 Acupuncture Board Meeting Minutes, referencing dry needling, was distributed to Board members. The minutes stated it was advised that the Maryland Acupuncture Society, not the Board, refer this matter to a legislator.

Dry Needling

Francesca Gibbs submitted the revised Rules of Procedure for Board Hearings (Title 10, Subtitle 38, Chapter 05). The Board approved the revision with one change, page 3, number 24. President of the Board will be changed to Chair of the Board.

Rules of
Procedure for
Board Hearings

Ann Tyminski received a request from Lauri Levin Jacobson, Executive Director of APTA of Maryland, stating that they received a request for assistance regarding the motto "pain=harm=abuse". There is concern that there will be a large number of patient abuse cases against PTs and PTAs if the motto is abided by. The Board agrees with APTA's conclusion that thorough documentation as to treatment and patient interaction is important.

APTA

The Board received a letter from Pamela Neubauer, PT, asking for "something in writing" with clear references to what part of the practice act applies to her questions. Ann Tyminski had previously answered her questions during a phone conversation. The answer to all of her questions is no. She will be referred to the Standards of Practice Regulations found at COMAR 10.38.03.02. The questions were:

Standards of
Practice

1. Can an area director or program manager dictate how long or frequently per week a patient should be seen?
2. Can I be told that my goal for the upcoming year is to increase the use of one particular piece of equipment by 30% to increase patient billing?
3. Is there a limit to how many patients a PT can be responsible for, even with the assistance of 2 PTAs?

Ann Tyminski received an e-mail from James Dyett, PTA, in reference to providing massage services to clients outside of the arena of physical therapy. Mr. Dyett was present at the Board meeting. After discussion, Linda Bethman, AAG, Board Council advised that the best course to take is to obtain a non-therapeutic massage license. When he calls Massage Therapy he should ask if they will accept prior course work toward his certification.

PTA Massage
Services

The Board discussed the addition of a door between Physical Therapy and Chiropractic/Massage Therapy. The price quoted was \$5000. The Board requested Mrs. Tyminski pursue this through the bidding process.

Additional
Door

Ann Tyminski discussed the DHMH Appointments Office letter to APTA of Maryland. She advised board member Lori Mizell, PT that her term is up in May 2010, and to complete the paper work for another term, if she wishes to be reappointed to the Board. Mrs. Tyminski also asked the Board members to let her know if they know of anyone who would qualify as a Board member, so the names can be referred to APTA of Maryland.

Board
Members

Ann Tyminski received an e-mail inquiry from David Burnham, PT, in reference to PTA documentation for home health. He asks if a PTA can ask the patient about their pain and document the patient's response. The Board felt his solution to the electronic documentation program's deficiencies for PTA documentation was acceptable.

Documentation

Continuing Education

The course "AFPA Fitness, Trainer, Sports & Mind Body Conference" was sent in by Monica Edelmann, PT for CEU approval. This course was denied as the Board felt that it was not geared to a professional audience, and does not have the quality and depth of information to be an appropriate CEU course for PTs and PTAs.

Reports

Income summaries were distributed.

Income
Summaries

Ann Tyminski gave a legislative update

Legislative
Update

Information:

Mrs. Tyminski reported on a follow-up to the Board's letter to Montgomery College, referencing its PT Aide program. Dr. Janet Clark had called and said that they understood the Board's concerns and would change its advertising and syllabus for the Fall Semester to remove references that a PT Aide can work under a physician.

PT Aide
Program

An article from CNNMoney.com, "Ditched by Your Doctor – Blame Medicare" was distributed to the Board.


Article

The January 2010 Kentucky Board of Physical Therapy Newsletter was distributed to the Board.

Newsletter

The Board unanimously voted to close the open session at 2:05 p.m. for the purpose of engaging in medical review committee deliberations of physical therapist applications in accordance with State Government Article S10-50 8(a) (13).

Respectfully submitted,



Ann Tyminski, Executive Director

April 20, 2010

Date approved



Margery F. Rodgers, PT, Chairperson